

HOUSE AGRICULTURE COMMITTEE

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1655

House Bill No. 1249*

by adding the following language as a new subsection (a) in Section _____. POWERS AND DUTIES OF LOCAL OFFICIALS on page 12 of the printed bill and by redesignating subsequent subsections accordingly:

(a) The respective cities and counties of this state are authorized to appoint necessary weights and measures officials, including, but not limited to, a sealer of weights and measures and such deputy sealers as may be required. Such sealer, deputy sealers and other weights and measures officials shall be appointed by and serve at the pleasure of the governing body of the city or county.

AND FURTHER AMEND by deleting from the original subsection (a) in SECTION _____. POWERS AND DUTIES OF LOCAL OFFICIALS on page 12 of the printed bill the language "for a county or city" in the first sentence thereof and by substituting instead the language "by a county or city".

AND FURTHER AMEND by adding the following language as a new section immediately after SECTION ____ PRESUMPTIVE EVIDENCE in Section 1 of the printed bill:

SECTION _____. In the event of seizure or confiscation under the provisions of this part, the aggrieved party shall have the right to appeal such action pursuant to the provisions of the Uniform Administrative Procedures Act, codified at Tennessee Code Annotated, Title 4, Chapter 5.

AND FURTHER AMEND by adding the following language as a new, appropriately designated subdivision to subsection (l) of SECTION _____. POWERS AND DUTIES OF THE COMMISSIONER on page 9 of the printed bill:

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() The purpose of this subsection is to authorize the commissioner to render inoperable such weights and measures as are found to be incorrect, until such time suitable repair or disposition thereof has been made. Nothing in this part shall be construed to authorize the commissioner, or his representative, to confiscate and take actual physical possession of a weight and measure found to be incorrect, except as provided for in subsection (c) of SECTION _____. SPECIAL POWERS.

AND FURTHER AMEND by deleting in its entirety subsection (c) of SECTION _____. SPECIAL POWERS on page 11 of the printed bill, and by substituting instead the following language:

(c) Empowered to confiscate and take physical possession of, for use as evidence in a civil or criminal proceeding, without formal warrant, any incorrect or unapproved weight, measure, package, or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the provisions of this act or regulations promulgated pursuant thereto. After the order of the commissioner, or the judgment of any court, including appellate review, becomes final, upholding the seizure or confiscation of such incorrect or unapproved weight, measure, package, or commodity, the same shall be destroyed by the commissioner. If no appeal of such order is taken by law, the property seized or confiscated shall be forfeited without further proceedings and shall be disposed of as herein provided.

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